



Receipt #12

Patent Docket P0998D2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Jeffrey L. Cleland et al.
Serial No.: 09/648,896
Filed: August 25, 2000
For: PROTEIN FORMULATION

Group Art Unit: 1642

Examiner: Christopher Yaen

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on

October 31, 2002



Wendy M. Lee

REQUEST FOR A CORRECTED FILING RECEIPT

RECEIVED

Assistant Commissioner of Patents
Office of Initial Patent Examination
Customer Service Center
Washington, D.C. 20231
Sir:

DEC 12 2002

TECH CENTER 1600/2900

Attached is a copy of the Official Filing Receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested. The Domestic Priority data as claimed by applicant section should read as follows:

THIS APPLICATION IS A DIV OF 08/615,369 03/14/1996 PAT 6,267,958

WHICH CLAIMS BENEFIT OF 60/029,182 07/27/1995 ABN

Also attached is a copy of the substitute Combined Declaration for Patent Application and Power of Attorney filed on June 17, 2002 to justify this request for correction.

At least one of the above corrections is due to applicant's error and the fee therefor under 37 CFR 1.19(h) is applicable. Please charge Deposit Account 07-0630 in the amount of \$25.00 to cover the cost.

Respectfully submitted,

GENENTECH, INC.

By: 

Wendy M. Lee

Reg. No. 40,378

Telephone No. (650) 225-1994

Date: October 31, 2002



09157

PATENT TRADEMARK OFFICE

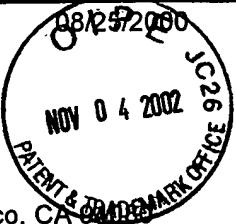
WML/EC/CX



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/648,896	08/25/2000	1642	726	P0998D2	19	22	2



Genentech, Inc.
 1 DNA Way
 South San Francisco, CA

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MAR 18 2002

Date Mailed: 03/08/2002

GENENTECH, INC.
 LEGAL DEPT.**CONFIRMATION NO. 6985****CORRECTED FILING RECEIPT**

OC000000007608105

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Jeffrey L. Cleland, San Carlos, CA;
 Chung C. Hsu, Los Altos Hills, CA;
 Xanthe M. Lam, San Francisco, CA;
 David E. Overcashier, El Granada, CA;
 Janet Yu-Feng Yang, San Mateo, CA;

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Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/273,230 03/18/1999—
 WHICH IS A DIV OF 08/615,369 03/14/1996 PAT 6,267,958
 WHICH CLAIMS BENEFIT OF 60/029,182 07/27/1995 ABN

Foreign Applications**If Required, Foreign Filing License Granted 10/17/2000****Projected Publication Date:** Not Applicable, filed prior to November 29,2000**Non-Publication Request:** No**Early Publication Request:** No**Title**

Protein formulation

Preliminary Class

424

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related application(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/648,896	08/25/2000	Jeffrey L. Cleland	P0998D2

CONFIRMATION NO. 6985

Genentech, Inc.
1 DNA Way
South San Francisco, CA 94080



OC000000009210843

Date Mailed: 12/06/2002

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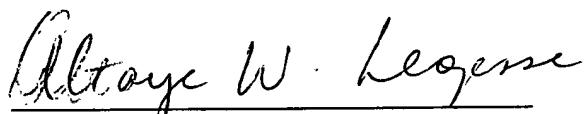
RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Publication and General Rules Issues

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- The articles such as "a", "an", and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new", "improved", "improvement of", "improvement in", or "improvement relating to" are not included as the first words in the title of an application because a patent application is, by nature, a new idea or improvement. See MPEP 606.
- The title appears on the filing receipt in sentence case for publication in the Annual Index of Patents.
- Amendments are not accepted in provisional applications. See 37 CFR 1.53(c).
- An amendment or Application Data Sheet is needed to make this change.**
- The inventor's residence will only include the city and state for U.S. residences or city and country for residences outside the U.S. (See MPEP 605.02.)
- Continuity claimed under 35 USC 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- Small entity status was previously claimed in this application. To notify the Office of a loss of entitlement to small entity status, see 37 CFR 1.27(g). To have a good faith error in claiming small entity status excused, see 37 CFR 1.28(c).

- The request for non-publication was not timely filed. A request for non-publication must be submitted upon filing of an application. The application is scheduled to be published on the date specified on the filing receipt. See 37 CFR 1.213(a)(1)
- The request for non-publication has not been recognized because it is not conspicuous as required by 37 CFR 1.213(a)(2)
- The request for non-publication has not been recognized because it does not contain the certification as required by 37 CFR 1.213(a)(3).
- The request for non-publication has not been recognized because it is not signed in compliance with 37 CFR 1.33(b) as required by 37 CFR 1.213(a)(4).
- There was no prior request for non-publication in this application. The request to rescind the non-publication request will not be processed.
- Your request for non-publication will not be acknowledged because this application is not eligible for publication. Only utility and plant applications filed on or after November 29, 2000 are eligible for publication.
- The "Non-Publication Request" indicator is correct. If there was a proper request submitted at the time of filing, the notation on the filing receipt will be "Yes". If no such request was made, the notation will be "No".
- Assignment information will only be included for applications that are eligible for publication.



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